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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,019

11/14/2003

Matthew Hunt

RS149

1018

23470 7590 03/12/2007  
SRAM CORPORATION  
1333 N. KINGSBURY, 4TH FLOOR  
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EXAMINER

BOES, TERENCE

ART UNIT

PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/707,019		HUNT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Terence Boes		3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6, 11-22, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamane USP 6155132.

Re claims 1-6, 11-22, and 26 Yamane discloses a(n):

- Body (30)
- Handlebar (14)
- Actuator assembly (12)
- Lever arm (23)
- Pivot axis (See phantom line through 50 and 51, Figure 3)
- Suspension adjust cable (18)
- Actuator control assembly (22)
- Locking assembly (72)
- Adjustment assembly (73)
- Locking guide surface (91)
- Locking region (interior of 91)
- Locking follower assembly (121 and 35 are a subassembly of 27)

Art Unit: 3682

- Follower pin (121)
- Follower actuator and push-button (35)
- Biasing member (95)
- Adjustment guide surface (See surface of 61 Figure 3)
- Adjustment screw (34) having a threadform (49)
- Adjustment follower (51) having a threadform (interior of 51)
- Adjustment wheel (head of 34)
- Cable securing assembly (See Figure 4)
- Actuation tab (63)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-10 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamane in view of Ekins USP 5966993.

Re claims 7-10 all of the claim limitations are met, as stated above, but a pin/mating pin is not disclosed.

Ekins discloses a pin/mating pin (54) for the purpose of preventing the coarse threaded sleeve from turning (Column 3, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the adjustment follower of Yamane and employ a pin, as taught by Ekins, for the purpose of preventing the coarse threaded sleeve from turning (Column 3, lines 60-67).

***Response to Arguments***

3. Applicant's arguments filed 12/15/2006 have been fully considered but they are not persuasive.

- a) The applicant argues that "...Yamane fails to disclose a suspension adjustment actuator apparatus including an actuator assembly movable between first and second positions wherein a second suspension setting corresponding to the second position is adjustable independently or without affecting a first suspension setting corresponding to the first position..."

In response, Yamane discloses an actuator assembly (12) that is capable of moving between first and second positions wherein a second suspension setting corresponding to the second position is adjustable independently or without affecting a first suspension setting corresponding to the first position.

Additionally, the examiner notes a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed

invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Furthermore, the examiner notes that while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. Therefore, claims 1-6, 11-22, 17-22, and 26 are rejected since all claim limitations have been met as disclosed above (see MPEP 2114).

- b) The applicant argues that "...The combination of Yamane and Ekins fails teach or suggest a suspension adjustment actuator apparatus including an actuator assembly movable between first and second positions wherein a second suspension setting corresponding to the second position is adjustable independently or without affecting a first suspension setting corresponding to the first position..."

In response, Yamane discloses an actuator assembly (12) that is capable of moving between first and second positions wherein a second suspension setting corresponding to the second position is adjustable independently or without affecting a first suspension setting corresponding to the first position.

Additionally, the examiner notes a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Furthermore, the examiner notes that while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. Therefore, claims 1-6, 11-22, 17-22, and 26 are rejected since all claim limitations have been met as disclosed above (see MPEP 2114).

4. The examiner further notes the applicant has chosen not to respond to the rejection of claims 1, 2, and 16 by Kuo USP 6,767,024.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

3/6/07



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER